

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

SEAN DENISON,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting  
Commissioner of the Social Security  
Administration,

Defendant.

CASE NO. 2:16-cv-00021 JRC

ORDER ON UNOPPOSED MOTION  
FOR EQUAL ACCESS TO JUSTICE  
ACT FEES AND EXPENSES

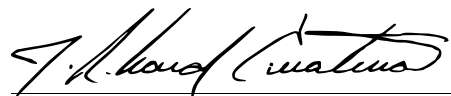
This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge and Consent Form, Dkt. 7; Consent to Proceed Before a United States Magistrate Judge, Dkt. 8). This matter is before the Court on plaintiff's Motion for Equal Access to Justice Act Attorney's Fees (*see* Dkt. 20). Defendant has no objection to plaintiff's motion (*see* Dkt. 24)

Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, ("EAJA"), plaintiff's motion (*see* Dkt. 20), the time itemization (Dkt. 20, Attachment 1), the attorney declaration (Dkt. 21), the memorandum of law in support of motion for attorney's fees (Dkt. 23) and the relevant

1 record, it is hereby ORDERED that EAJA attorney's fees of \$5,405.94 shall be awarded to  
2 plaintiff pursuant to the EAJA and consistent with *Astrue v. Ratliff*, 130 S.Ct. 2521, 2524, 2010  
3 U.S. LEXIS 4763 at \*\*\*6-\*\*\*7 (2010).

4       The Acting Commissioner agrees to contact the Department of Treasury after the Order  
5 for EAJA fees is entered to determine if the EAJA fees are subject to any offset. If it is  
6 determined that plaintiff's EAJA fees are not subject to any offset allowed pursuant to the  
7 Department of the Treasury's Offset Program, then the check for EAJA fees shall be made  
8 payable to D. James Tree, Esq., based on plaintiff's assignment of these amounts to plaintiff's  
9 attorney or direct deposited into the Tree Law Office account (*see* Written Fee Agreement, Dkt.  
10 20, Attachment 2; Declaration of Plaintiff, Dkt. 22). If there is an offset, the remainder shall be  
11 made payable to plaintiff, based on the practice of the Department of the Treasury (*see, e.g.,*  
12 Case No. 2:15-cv-122, Dkt. 22, p. 4). Any check for EAJA fees shall be mailed to plaintiff's  
13 counsel, D. James Tree, Esq., at Tree Law Office, 3711 Englewood Avenue, Yakima, WA  
14 98902.

15       Dated this 18th day of October, 2016.

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18 J. Richard Creatura  
19 United States Magistrate Judge  
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